

Notice of Allowability**Application No.**

10/560,603

Examiner

GERARD T. HIGGINS

Applicant(s)

BENNINGER ET AL.

Art Unit

1794

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/29/2009.
2. ☒ The allowed claim(s) is/are 22-50 and 52-59.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20091216.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Gerard T. Higgins
/G. T. H./
Examiner, Art Unit 1794

/Mark Ruthkosky/
Supervisory Patent Examiner, Art Unit 1794

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 10/29/2009 has been entered. Currently claims 22-50 and 52-59 are pending and claims 1-21 and 51 are cancelled.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Fallow on 12/16/2009.

The application has been amended as follows:

In claim 32, line 7 delete "the" preceding the word "magnetic" and insert "a."

In claim 32, line 7 delete "the" preceding the word "surface" and insert "a."

In claim 32, line 11, delete both instances of the word "the."

In claim 34, line 1 insert "of permanent-magnetic material" after the word "body."

In claim 35, line 2 delete the word "the" preceding the phrase "said sheet."

In claim 35, line 3 delete the word "the" preceding the phrase "said magnetic."

In claim 35, line 4 delete the word "permanentmagnetic" and insert the word "permanent-magnetic."

In claim 42, line 13 delete the word "the" preceding the phrase "said magnetic."

In claim 44, line 3 delete the word "the" preceding the phrase "said magnetic."

In claim 45, line 1 delete the word "the" preceding the phrase "said body."

In claim 53, line 2 insert the word "printed" immediately preceding the word "product."

In claim 54, line 1 delete the word "a" immediately preceding the word "device" and insert "the."

In claim 55, line 2 delete the word "the" preceding the phrase "said body."

Allowable Subject Matter

3. Claims 22-50 and 52-59 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The broadest claim is claim 22 draw to a device. The closest prior art to applicants' invention are the Kashiwagi et al. and Graves references; however, neither of the references teach or suggest either alone or in combination forming engravings ***directly*** into the surface of the body of the permanent magnetic material. These engravings are the indicia which must be capable of forming indicia in a wet coating composition applied to a substrate. The Examiner notes that the matching of the indicia in the surface of the body of permanent-magnetic material to the indicia formed in the wet coating composition breathes life and meaning to the preamble of claim 22. A conclusion of obviousness in this case using the above references would be based

upon improper hindsight rationale and would not have been obviousness to one having ordinary skill using the teachings of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-Th 10am-8pm est. (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Ruthkosky/
Supervisory Patent Examiner, Art Unit 1794

GERARD T. HIGGINS
Examiner
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